IN RE: PETITION FOR ADMIN. VARIANCE
N/S of High Pasture Court, 334 ft. E
centerline of Hunting Tweed Drive
4th Election District
2nd Councilmanic District
(6 High Pasture Court)

Lisa & Charles Shubow Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 05-374-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Lisa and Charles Shubow. The administrative variance is requested for property located at 6 High Pasture Court in the Owings Mills area of Baltimore County. The administrative variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 35 ft. in lieu of the required 50 ft. for an attached garage. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 6, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated February 8, 2005, a copy of which is attached hereto and made a part hereof.

#### Applicable Law

Section 307 of the B.C.Z.R. - Variances.

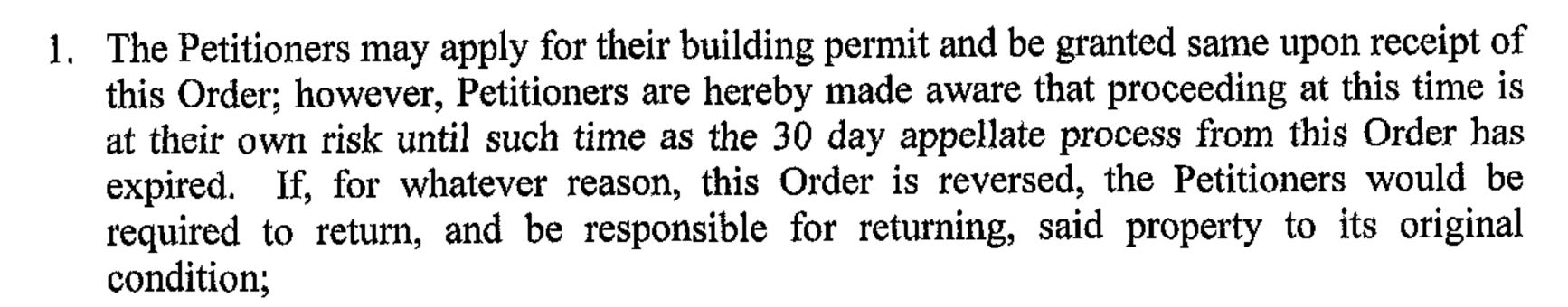


"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this \_\_3\_ day of March, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 35 ft. in lieu of the required 50 ft. for an attached garage, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:



- 2. Compliance with the ZAC comments submitted by the Office of Planning dated February 8, 2005, a copy of which is attached hereto and made a part hereof;
- 3. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

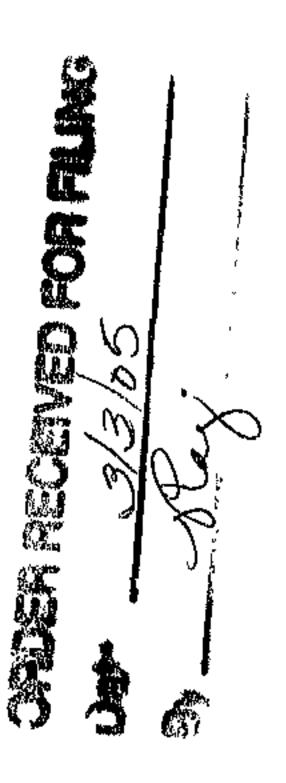
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



#### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



#### Baltimore County

James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

March 3, 2005

Mr. & Mrs. Charles Shubow 6 High Pasture Court Owings Mills, Maryland 21117

> Re: Petition for Administrative Variance Case No. 05-374-A Property: 6 High Pasture Court

Dear Mr. & Mrs. Shubow:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



Visit the County's Website at www.baltimorecountyonline.info



### Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at	6 HIGHPASTYRECTOUND	65 MKCS
	s presently zoneu	

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

yard setback of 35 ft. in lien of the required 50 ft. for an interest attached garage.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			perjury, that I/we are the legal is the subject of this Petition.	owner(s) of the	property which
Contract Purchase	er/Lessee:		Legal Owner(s):		
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Attorney For Petiti	oner:		64. Stoestore	410.	356 3562
			Address MALS	MO	Telephone No.
Name - Type or Print			City	State	Zip Code
Signature	<del></del>		Representative to be C	ontacted:	
_			Charles Shisi	W	•
Company			Name 6 History fore		3.226-9515
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City City	State	Jリノフ Zip Code
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m 2		ээ төрөөлөө,			
6			Zoning Commissioner o	f Baltimore County	; 
	x 2201 1		2/12	1	
CASE NO.	25-374-A	Rev	riewed By /3/C D	ate 1/27/3	5-
FV 10/25/01	•	Est	imated Posting Date2/	6/05	

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	6 Highpasture (F	
	Adecas	

Address

O WINGS MILLS MD

Cliv State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

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to secure public safety

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occupant has slipped on its tomow injuring back, causing permand

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this day of day of formally appeared

, before me, a Notary Public of the State

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Annefer anne Hassess Notary Public

My Commission Expires

4-1-06

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are

competent to testify thereto in the event that a p	•		_	i thereto.
That the Affiant(s) does/do presently reside at	Address Address	t-x (1	······································	
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,	City	5	tate	Zip Code
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To secure public safety.

To secure public safety.

Occupant Las slippeon ice + snow causing permanent back injury

occupant Las slippeon occupants free from ice + snow

barage would allow occupants free from ice + snow

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Signature Signature Name - Type or Print Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). ary Public 21-1-1 AS WITNESS my hand and Notarial Seal

Nøtary Public

My Commission Expires

REV 10/25/01



CASE NO. 05-374-A

REV 10/25/01

## Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

, VIRYLAND	for the property le	ocated at 6 HIGHOASTURE CT OWINGS 4
	 	which is presently zoned. Re-
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an attached gara	90,	ion(s)  1 A 04: 3. B. 2. b to permit a  'h lieu of the required 50 ft. (
of the zoning regulations of Baltimor of this petition form.	e County, to the zoning I	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertisely, or we, agree to pay expenses of above regulations and restrictions of Baltimore	e Variance, advertising, po	sting, etc. and further agree to and are to be bounded by the zoning
	i i	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	\     	<u>Legal Owner(s):</u>
Name - Type or Print	<u> </u> 	Name - Type or Print  Shibo
Signature	i ! :	Signature CISA SHUBOW
Address	Telephone No.	Name - Type or Print
State	ZIp Code	Signature (+ 4/0-356-356
Attorney For Petitioner:	     	Address / Telephone No.
Narne - Type or Print		ウルハン65 M1レビ MP ユリノフ City State Zip Code
		Representative to be Contacted:
Signature		Charles Shubow
Company	· · · · · · · · · · · · · · · · · · ·	Name 6 Highastwo (** 448 22695) Address Telephone No
Address	Telephone No.	Address OWINGS MILLS MD 21117
City	Zip Code	City State Zip Code
A Public Hearing having been formally de his day of day of egulations of Baltimore County and that the p	that the subject matter of t	required, it is ordered by the Zoning Commissioner of Baltimore County this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County

### ZONING DESCRIPTION

Zoning Description For 6 Highpasture Court

Beginning at a point on the North side of Highpasture Court, which is 50 feet wide at a distance of 334 feet east of Hunting Tweed Drive which is 50 feet wide. Being Lot #95, in the subdivision known as Valley Hills as recorded in Baltimore County Plat Book #39, Folio# 88, containing 1.39 acres. Also known as 6 Highpasture Court and located in the 4<sup>th</sup> Election District, 2<sup>nd</sup> Councilmanic District.

THE UPPLIATION ETH THE \$65, (B) \*\*\* FAR TAKE CASHIER'S VALIDATION 1/27/2005 WILL KAN Baltamore Loundy, B. A. J. R. A. J. R. A. J. 33038 在子香 \$65.BD 1728/1005 1728/1005 755 HS04 HV RECEIP 100th 374 No. 441334 ·603 30 140 (C) e YELLOW - CUSTOMER AMOUNT \$ ACCOUNT. BALTIMORE COUNTY, MARYLAND 1-3 **ANEOUS RECEIPT** OFFICE OF BUDGET & FINANCE PINK - AGENCY 1. 1. E. DISTRIBUTION WHITE - CASHIER MISCELL RECEIVED FROM: DATE Ğ.

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#### CERTIFICATE OF POSTING

RE: Case No. 05-374-A
Petitioner/Developer:
Charles & Lisa Shubow
Closing Date: Feb.21, 2005

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Kristen Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located 6 Highpasture Ct.

The sign(s) were posted on 2/6/05

Sincerely,

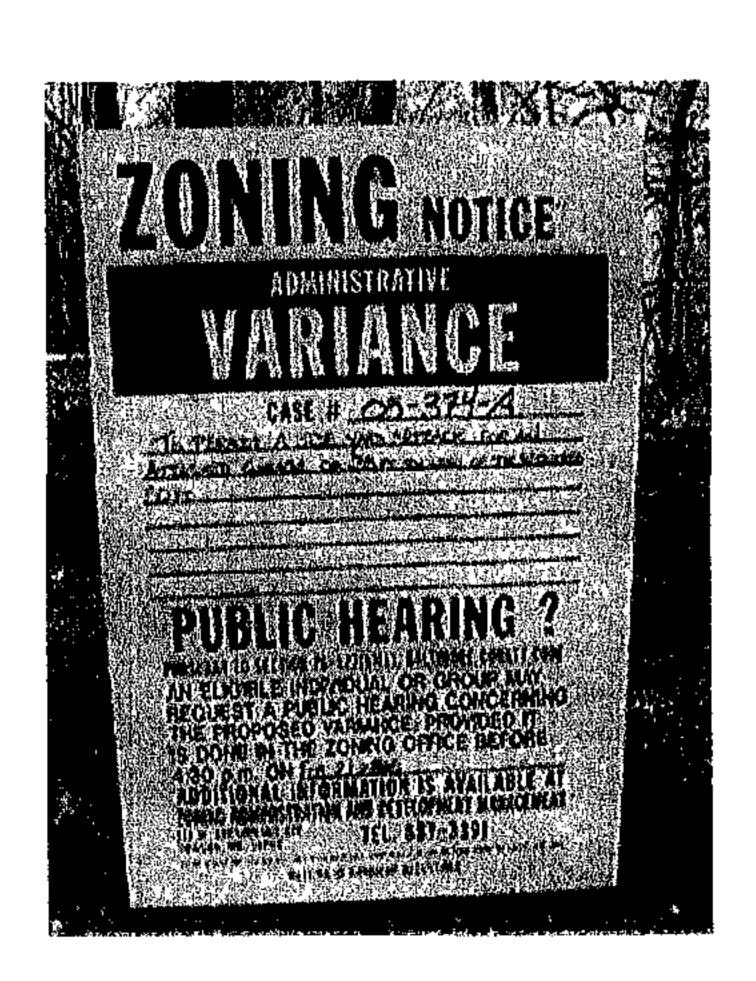
Diana Sugiuchi

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 65-374-4
Petitioner: Charles Shubow
Address or Location: 6 Highpasture (f. 6 WINGS MICS MD 2111)
PLEASE FORWARD ADVERTISING BILL TO:  Name: Charles Shibe w
Address: 6 Highpasture (F
0WINGS MILLS 170 21117
Telephone Number: 410-356-3562 #

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	e Number (	)5-	374	-A	Address	6	High pasture	Ct.
Cont	act Person:	· · · · · · · · · · · · · · · · · · ·		ه الآبرواء Please Print Yo	ur Name	······································	Phone Number:	410-887-3391
	g Date:	,	7/05	_ Po	sting Date:	2/6/05	•	ite: <u>2/2/01</u>
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							WCR -	Revised 6/25/04

#### Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



#### Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

February 21, 2005

Charles Shubow Lisa Shubow 6 Highpasture Court Owings Mills, Maryland 21117

Dear Mr. and Mrs. Shubow:

RE: Case Number: 05-374-A, 6 Highpasture Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 27, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

U. Calling yours, De

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



#### Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



#### Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

February 8, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 7, 2005

Item No.: 368-378

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Lieutenant J. Mezick Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info

Robert L. Ehrlich, Jr., Governor | Michael S. Steele, Lt. Governor |



Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

Maryland Department of Transportation

Date: 2・3-05

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

**Baltimore County** 

Item No.

374 BPR

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

February 25, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 7, 2005

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-371

05-373

05-374

05-375

05-377

05-366

05-367

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 5-374

DATE: February 8, 2005

The Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawing and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the administrative variance.

MAC/LL

THE WASHINGTON

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: February 23, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 14, 2005

Item Nos. 368, 369, 371, 372, 373, 374, 375, 376, 377 and 378

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

# December 30, 2004

Larry and Sail Cerchette of

4 Highpasture Ct., Owings mills,

Md., have no objection to

Lisa and Charles Shubow, of

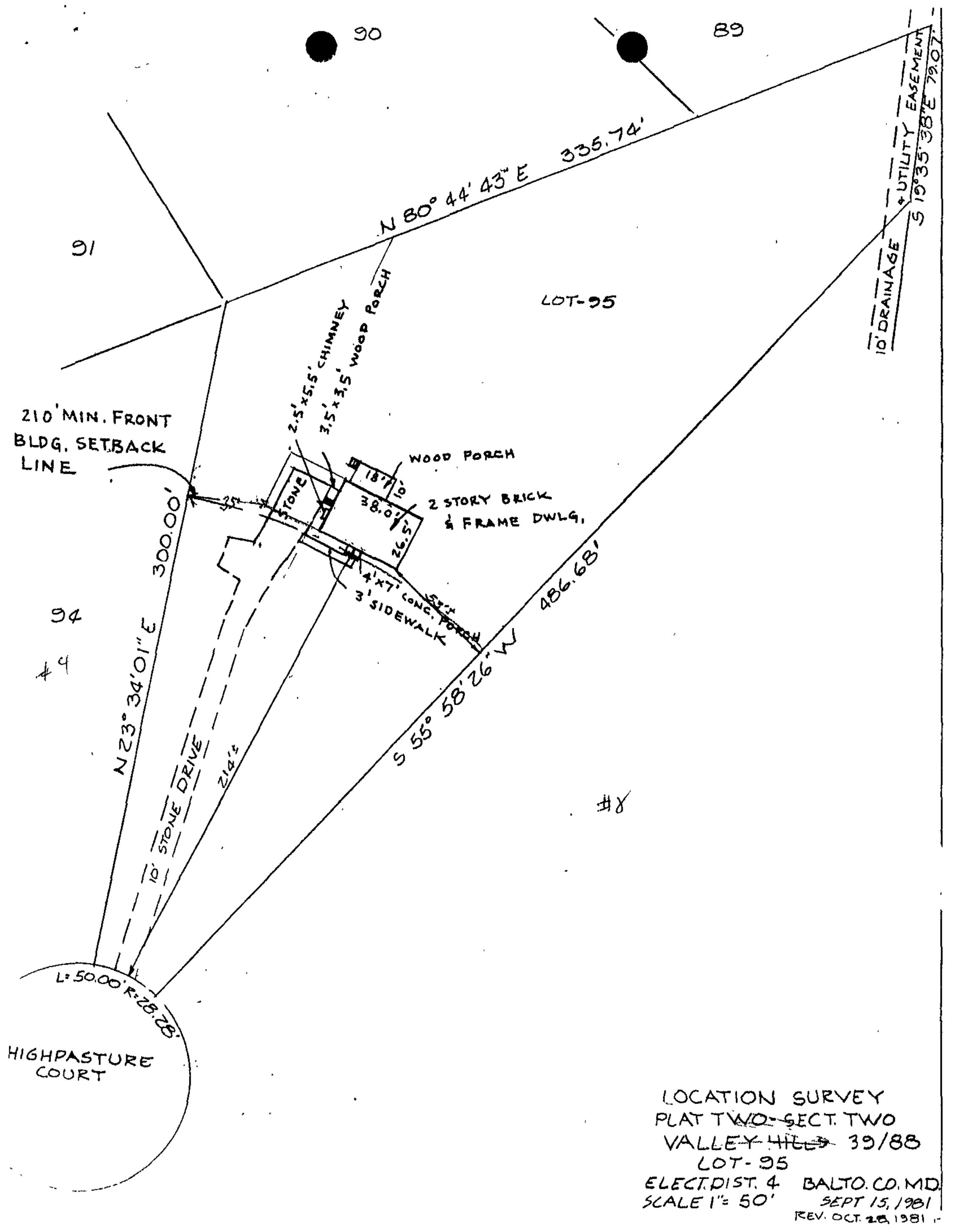
6 High pasture Ct., Owings mills,

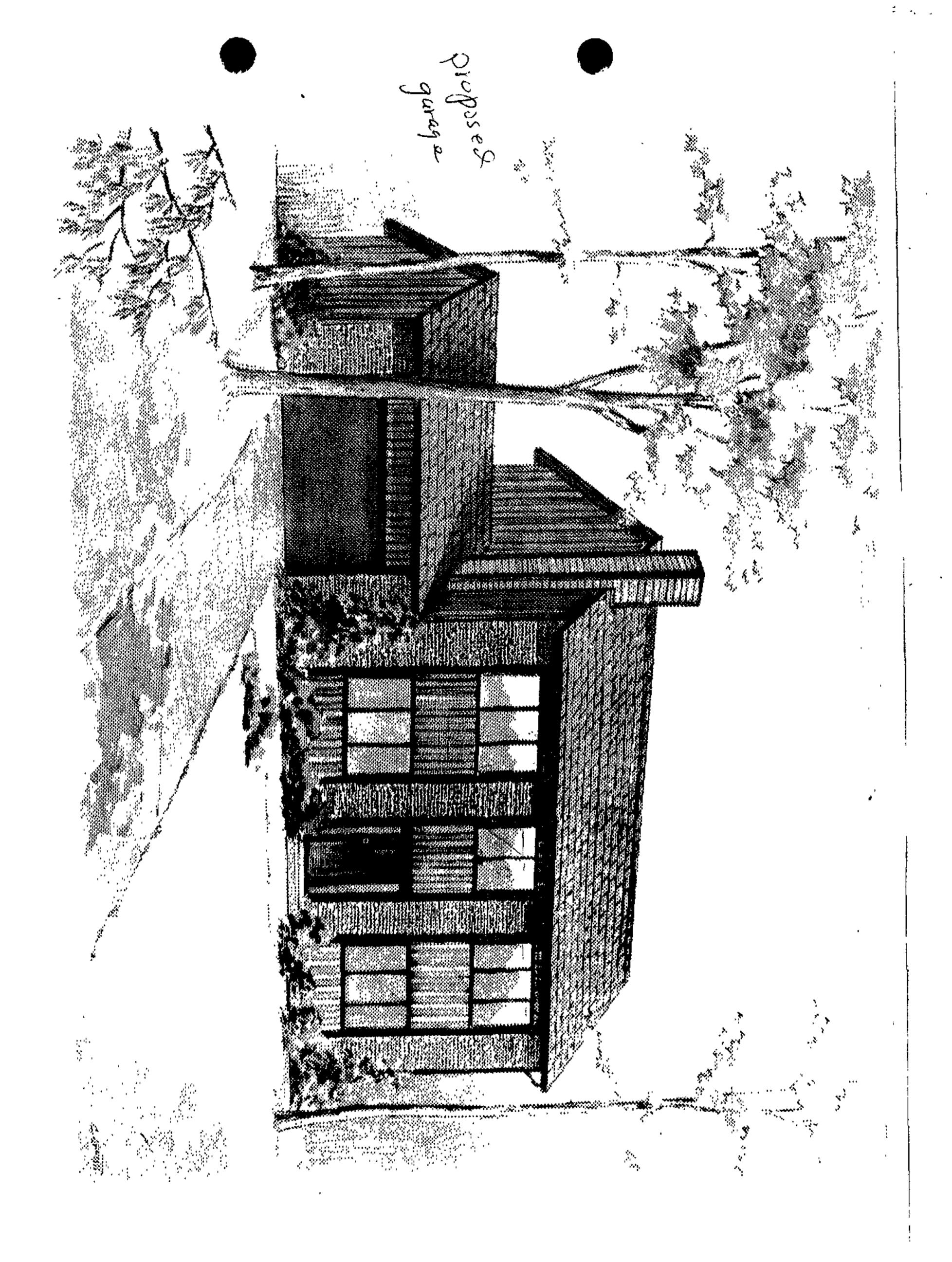
Md., building a garage on

Their property.

Gail B. Cechette

PREPARED BY Charles Show SCALE OF DRAWING: 1" = 500	NORTH / POSTANT OF	TY ADDRESS 6 High pasture CT. SEE PAGES 5 & 6 OF THE CHECKLIST F ISON NAME ballow Hills  SON AME ballow Hills  CONSTRUCT # 25 SECTION # 2  CONSTRUCT #	TO ACCOMPANY PETITION FOR ZONING WARIANC
13h 374 105-374-A	REVIEWED BY ITEM # CASE #	WALIVE AND SUBSECTION INFORMATION  LOCATION INFORMATION  ELECTION DISTRICT 4 ***  COUNCILMANIC DISTRICT 4 **  COUNCILMANIC DISTRICT 4 ***  COUNCILMANIC DISTRICT	SPECIAL HE





47374 # 374



